

IN THE UNITED STATES DISTRICT COURT  
OF THE NORTHERN MARIANA ISLANDS

LISA BLACK,

Plaintiff,

vs.

JIM BREWER, individually and in his  
official capacity as Acting Principal for  
Hopwood Junior High School,  
COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS  
PUBLIC SCHOOL SYSTEM, and JOHN  
AND/OR JANE DOE,

Defendants.

) Civil Case No. 05-0038

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) Defendant CNMI Public School System's  
) Response to Plaintiff's Request for  
) Admissions and Special Interrogatory

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Comes now the Defendant CNMI Public School System (PSS), through its attorney,  
Heather L. Kennedy, and hereby responds to Plaintiff's Second Set of Interrogatories as  
follows:

**General Objections**

1. These responses are made solely for the purposes of this action, without waiver of the  
following:

- a. The right to object to all questions as to competency, relevancy, materiality,  
confidentiality, privilege and admissibility of the responses and subject matter  
thereof as evidence for any purpose in any further proceeding in this action,  
including trial;
- b. The right to object to the use of any such responses, or subject matter thereof, on  
any ground in any further proceeding in this action, including trial;

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O'Connor Bernier Dotz & Davis  
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By: Jhen  
Date: 8/4/06  
Time:

1 c. The right to object on any ground at any time to a future interrogatory or other  
2 discovery request; and

3 d. The right to revise, correct, and to supplement or clarify any of the responses  
4 contained herein.

- 5 2. Defendant's responses and any identification of documents relating thereto are not  
6 intended to waive or prejudice any objection Defendant might assert as to, and without  
7 acknowledging, the admissibility, materiality, relevancy of any request or document or  
8 that such requests are in any way reasonably calculated to lead to the discovery of  
9 admissible evidence.
- 10 3. Defendant objects to these interrogatories to the extent that any question may be  
11 construed as calling for information that is subject to a claim of privilege, including, but  
12 not limited, to the attorney-client privilege, or the attorney work product doctrine or any  
13 constitutional, statutory or regulatory proscription against disclosure.
- 14 4. No incidental or implied admissions are intended by Defendant's responses to these  
15 interrogatories. The fact that Defendant has responded or objected to any interrogatory or  
16 any part thereof should not be taken as an admission that the Defendant accepts or admits  
17 the existence of any facts set forth or assumed by such interrogatory or that such response  
18 or objection constitutes admissible evidence. The fact that the Defendant has responded  
19 to part or all of any interrogatory is not intended and shall not be construed to be a waiver  
20 by the Defendant of all or any part of its objections to any interrogatory.
- 21 5. The responses given are based upon information that has been gathered to date.  
22 Defendant states that its investigation of the facts relating to this action is not yet  
23 complete and its investigation is still on going. Consequently, Defendant may not be in a  
24 position to provide complete responses to each interrogatory and the following responses  
25 are given without prejudice to Defendant's right to produce, up to and including the time  
26 of trial, subsequently discovered evidence relating to the proof of facts subsequently  
27 discovered to be material. To the best of the knowledge of the Defendant, the  
28

1 information contained herein is true and correct at this time, but Defendant reserves the  
2 right to correct inadvertent errors or omissions.

- 3 6. By making these responses, Defendant does not concede that the interrogatories  
4 propounded, nor the answer given thereto, are relevant to the subject matter of this  
5 proceeding or are reasonably calculated to lead to the discovery of admissible evidence.  
6 Defendant expressly reserves the right to object to further discovery into the subject  
7 matter of these interrogatories and reserves the right to object to introduction into  
8 evidence of information, documents or items produced in response to these  
9 interrogatories.
- 10 7. All of the following individual responses of Defendant PSS incorporate these general  
11 objections.

12 Without waiving the foregoing objections, PSS responds to Plaintiff's Request for  
13 Admissions and Special Interrogatory as follows:  
14

15 **REQUEST FOR ADMISSION**  
16

17 **Requests For Admission No. 1:** Please admit that the documents that have been produced by  
18 Defendant Commonwealth of the Northern Mariana Islands Public School System, Bates No.  
19 000001 to 001915, are not known to YOU to be anything other than accurate copies of original  
20 documents, kept in the ordinary course of business, and that other than the possible objection on  
21 the basis of relevance, YOU have no objections to the admission of Bates numbers 000001 to  
22 001915 into evidence at trial.  
23

24 **RESPONSE:** PSS admits that all documents produced by PSS are accurate copies of  
25 original authentic documents that were produced as they are kept in the usual course of  
26 business. Defendants admit that each such document is what it purports to be. Defendant  
27 reserves the right to object to the introduction of any document produced by PSS, except  
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1 where that objection relates to authenticity. Therefore, the rest of the request for  
2 admission is denied.

3 **SPECIAL INTERROGATORY**

4 **"Special" Interrogatory:** If you do not admit Request for Admission Number 1, then you must  
5 answer the following interrogatory:

6 **Interrogatory No. 11:** To the extent YOU contend the admission into evidence at trial of any of  
7 the documents, Bates numbers 000001 to 001915 is objectionable, other than based upon an  
8 objection of relevance, please state:

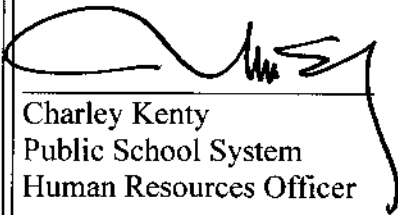
- 9 a. The particular document by Bates number that you object to admission into  
10 evidence at trial; and  
11 b. The basis of your objection.

12 **RESPONSE:**

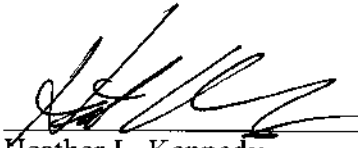
13  
14 Defendant objects to this interrogatory as unclear, harassing, unduly burdensome, beyond  
15 the scope of permitted discovery, and improperly calling for legal conclusions.

16  
17 I declare under penalty or perjury that I have reviewed the answers to Plaintiff's Request  
18 for Admissions and Special Interrogatory provided above and the same are true and correct to the  
19 best of my knowledge and belief.  
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21  
22 Dated this 4<sup>th</sup> of August, 2006.

23  
24   
25 Charley Kenty  
26 Public School System  
27 Human Resources Officer  
28

29 Dated this 4<sup>th</sup> of August, 2006.

30   
31 Heather L. Kennedy  
32 Public School System  
33 Legal Counsel